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Attorney for Defendant
RYAN CABUTO

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. RYAN CABUTO, Defendant.	CASE NO. 08CR0070-001-LAB **MOTION TO CORRECT JUDGMENT** (Fed. Rules of Crim. Proc., rule 35(a)) Date: _______________ Time: ______________

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, ALESSANDRA P. SERANO, ASSISTANT UNITED STATES ATTORNEY:

The defendant, Ryan Cabuto, by and through his counsel, Robert E. Boyce, moves the Court, pursuant to Federal Rules of Criminal Procedure, rule 35(a), to correct the sentence in the above-entitled case.

On June 16, 2008, at the sentencing hearing, the Court sentenced Mr. Cabuto to 48 months. Before imposing sentence, the Court inquired about sentences in similar cases within this District. Defense counsel failed to mention a sentence of 18 months in *United States v. Vilas*, 07CR1058-LAB, of 36 months in *United States v. Vilas*, 08CR0346-JM; of 41 months in *United States v. Tarchala*, 08CR00519-H; and of 24 months in *United States v. Tyler*, 07CR01450-JM.

Counsel requests the Court to consider these cases and modify Mr. Cabuto's sentence accordingly.

Counsel for the defendant has informed Alessandra Serano, Assistant United States Attorney, of this motion to correct the judgment.

WHEREFORE, the Court is respectfully urged to modify the judgment accordingly.

Respectfully submitted,

Dated: June 20, 2008

/s/ Robert E. Boyce
ROBERT E. BOYCE
Attorney for Defendant
RYAN CABUTO